

REMARKS

Claims 55, 57-61, 63-66, 68-69, and 71-81 constitute the pending claims in the present application. Applicants cancel, without prejudice, claims 1-54 which were previously withdrawn from consideration as directed to a nonelected invention, and claims 65, 68, 74-77, and 79-81. Applicants reserve the right to prosecute claims of similar or differing scope in a continuation or divisional application. Applicants thank the Examiner for courtesies extended during telephonic interviews conducted on August 26, 2004 and October 14, 2004. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note with appreciation that the reply filed October 20, 2003 has been entered in full. Applicants additionally note that any rejection of record that is not addressed in this action has been withdrawn.

2. Claims 55, 57, 59-61, 63-66, 68, 69 and 71-81 are rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims were also rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to enable one of skill in the art to practice the claimed invention. Applicants traverse these rejections and contend that the rejections are moot in light of the amended claims.

Applicants reiterate the arguments of record and contend that the specification provides ample support for the previously pending claims. Nevertheless, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended the claims to more particularly point out certain embodiments of the invention. Applicants' amendments are not in acquiescence to the rejection, and Applicants reserve the right to prosecute claims of similar or differing scope.

Specifically, Applicants have amended the claims to point out the one or more growth factors present when preparing a population of progenitor cells isolated from pancreatic tissue or pancreatic ductal tissue. Applicants' amendments are supported by the working examples provided in the application (see, for example, Examples 1 and 2). In addition, Applicants have

cancelled claims 79-81, directed to methods of preparing progenitor cells isolated from liver, thereby rendering rejection of those claims moot. Cancellation of and amendments to the claims are not in acquiescence to the rejection. Applicants reserve the right to prosecute claims of similar or differing scope.

Applicants respectfully submit that the amended claims comply with all of the requirements under 35 U.S.C. 112, first paragraph. The strong concurrence between the working examples provided in the specification and the amended claims obviates the previous rejections based on an alleged lack of written description and enablement. Accordingly, in light of Applicants' amendments, reconsideration and withdrawal of the rejections are requested.

3. Applicants note that previously pending claims 74-76, directed to cells prepared by the claimed methods, are hereby cancelled. Applicants' cancellation of claims 74-76 is done solely to expedite After-Final consideration of claims directed to commercially relevant embodiments of the invention, and is not in acquiescence to any previously cited grounds of rejection. Applicants reserve the right to prosecute claims of similar or differing scope in continuation or divisional applications.

4. Applicants' amendments to the claims are believed to address all outstanding issues and place this case in condition for allowance.

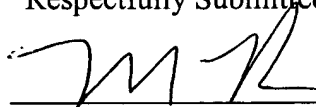
CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. ESCL-P02-060.**

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Respectfully Submitted,



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